

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT L. SANFORD,

Plaintiff,

v.

GAVIN NEWSOM, *et al.*,

Defendants.

Case No. 1:22-cv-01100-AWI-CDB (PC)

**ORDER GRANTING CONSTRUED
MOTION FOR RELIEF FROM
JUDGMENT OR ORDER** (ECF No. 14)

**ORDER VACATING ORDER
DISMISSING CASE AND JUDGMENT**
(ECF Nos. 11, 12)

Clerk of Court is directed to re-open the case.

Plaintiff Robert L. Sanford is a state prisoner proceeding *pro se* in this civil rights action filed under 42 U.S.C. § 1983.

On December 9, 2022, the assigned magistrate judge entered findings and recommendations to dismiss this action for Plaintiff's failure to obey a court order, failure to comply with the local rules, and failure to prosecute, based on Plaintiff's failure to update his address with the Court. (ECF No. 10.) The findings and recommendations were served on Plaintiff and provided him fourteen days to file objections thereto. (*Id.* at 2–3.)

After Plaintiff failed to file objections within the time allotted, on January 11, 2023, the Court conducted a *de novo* review of the case and adopted the findings and recommendations in full. (ECF No. 11.) The Court dismissed the action without prejudice, and judgment was entered the same day. (ECF Nos. 11, 12.)¹

¹The findings and recommendations, dismissal order, and judgment were not returned as undeliverable. (*See* ECF Nos.10, 11, 12.)

1 On January 25, 2025, Plaintiff filed a notice of change of address and untimely
2 objections, requesting the Court to vacate the findings and recommendations and allow Plaintiff
3 to proceed with this action. (ECF Nos. 13, 14.) As grounds, Plaintiff advises that defense
4 counsel was aware of his new address, and the Kern County Court mailed removal information
5 to Plaintiff at his new address. Plaintiff argues that he believed this Court had Plaintiff's current
6 address, and his failure to update his address and prosecute the case was the result of mistake.
7 On March 10, 2023, Plaintiff filed a notice of change of address to a difference facility.

8 The Court construes Plaintiff's objections as a motion for relief from a judgment or order
9 under Rule 60 of the Federal Rules of Civil Procedure, which allows the Court to relieve a party
10 from an order or final judgment for "mistake, inadvertence, surprise, or excusable neglect." (Fed.
11 R. Civ. P. 60(b)(1). Plaintiff's objections satisfactorily demonstrate that his failures to obey a
12 court order, comply with the Local Rules, and prosecute the case were the result of mistake,
13 inadvertence, and excusable neglect. Therefore, he has demonstrated good cause to vacate this
14 Court's order and judgment entered on January 11, 2023.

15 Accordingly, **IT IS HEREBY ORDERED** that:

- 16 1. Plaintiff's construed motion for relief from an order or final judgment (ECF No.
17 14) is GRANTED;
- 18 2. This Court's order of dismissal and judgment (ECF Nos. 11, 12) are VACATED;
- 19 3. The Clerk of Court is directed to re-open this case; and
- 20 4. This case is referred back to the magistrate judge for further proceedings.

21
22 IT IS SO ORDERED.

23 Dated: April 7, 2023

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25 SENIOR DISTRICT JUDGE
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